

## UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

FILED  
CHARLOTTE, NC

JUL 26 2016

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

United States of America

v.

Case No. 3:16-mj-279

Michael Arthur Kerr

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 21, 2016 in the county of Mecklenburg in the  
Western District of North Carolina, the defendant(s) violated:

Code Section

Offense Description

Title 49

Section 46504 ~ Interference with the performance or duties of a flight crew member or flight attendant

This criminal complaint is based on these facts:

See attached Affidavit incorporated by reference herein.

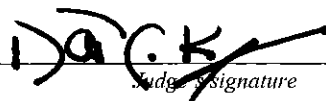
☒ Continued on the attached sheet.

Complainant's signature

Shawnda Drummond, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/26/2016

Judge's signature

City and state: Charlotte, North Carolina

David C. Keesler, U.S. Magistrate Judge

Printed name and title


## Affidavit in Support of a Criminal Complaint

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been since June 2004. I am currently assigned to the Joint Terrorism Task Force (JTTF) in the Charlotte Division of the FBI. In my current capacity, I am assigned to investigate federal crimes affecting the nation's security. Also within my current assignment, I am the Airport Liaison Agent Coordinator whose duties include investigating federal crimes that occur aboard aircrafts and affecting the airports and flight crews. Previously, I was assigned to investigate federal crimes against children to include: child pornography, child prostitution, child abductions, and international parental kidnapping. As an FBI Agent assigned to the San Juan Division of the FBI, I was assigned to the Violent Crimes Squad where I investigated bank robberies, kidnappings and carjackings. My collateral duty as an Agent on the Violent Crimes Squad was as the Criminal Airport and Seaport Liaison Agent where I investigated federal crimes occurring at the airports and seaports in the San Juan Field Office's area of responsibility. I was also assigned to the Drug Squad in the San Juan Division of the FBI where I investigated drug trafficking in the Caribbean Corridor, and labor racketeering matters. As an FBI Agent at the Washington Field Office, I investigated national security matters. Your affiant has received extensive training in investigations as a New Agent Trainee at Quantico, Virginia. My training has continued through numerous in-service training seminars and through hands on experience as an investigator during my assignment as an FBI Agent.
2. Based on the following, I believe that probable cause exists to show that MICHAEL ARTHUR KERR, date of birth November 27, 1990, has violated Title 49, United States Code, Section 46504, which statute prohibits interference with a flight crew member on an aircraft with the special aircraft jurisdiction of the United States. This belief is based on facts known to me or relayed to me by other law enforcement officers with direct or indirect knowledge of the facts. Because this affidavit is for the sole purpose of securing probable cause and the issuance of a criminal complaint, it includes only those facts necessary to establish probable cause.
3. On July 21, 2016, American Airlines flight number 5039 departed on time from Lexington, Kentucky, to Charlotte, North Carolina, at 9:11 AM Eastern Time Zone. The flight arrived as scheduled at the Charlotte Douglas International Airport at 10:21 AM Eastern Time Zone. As the plane landed at Charlotte Douglas International Airport and approached Gate E3, a flight crew member made an announcement to the passengers onboard the plane instructing them to remain seated until further notified to disembark the plane. KERR, who had been served three Jack Daniels alcoholic beverages during the flight, got out of his seat. American Airlines Flight Attendant L.R. (hereinafter referred to as Flight Attendant #1) requested that KERR return to his seat. KERR verbally threatened Flight Attendant #1 by saying that he would break Flight Attendant #1's jaw. Although the aircraft had landed in Charlotte, the


aircraft external doors were closed and the aircraft had not yet arrived at a gate where passengers could disembark.

4. KERR quickly walked to the front of the plane and appeared to be intoxicated. He was verbally abusive to the flight crew. He cursed at them and refused to follow their instructions as they tried to get him to return to his seat and remain seated. Flight Attendant F.L. (hereinafter referred to as Flight Attendant #2) was standing in the aisle near the flight crew cabin when KERR kicked Flight Attendant #2 in the right lower leg and then shoved Flight Attendant #2 to the floor of the plane. Flight Attendant #2 complained of an injury to the upper left arm that occurred when Flight Attendant #2 was pushed to the floor.
5. KERR was physically restrained by American Airlines Pilot N.B. and co-Pilot J.R. KERR was held face down in the aisle with his hands restrained behind his back, while flight crew members wrapped a seatbelt strap around KERR's ankles to prevent him from kicking. KERR was also trying to spit on the flight crew members.
6. As Charlotte Mecklenburg Police Department (CMPD) Officers R.B., B.G., and M.D. arrived at the scene, KERR was still restrained by the flight crew and on the floor of the plane. The Officers could smell the odor of alcohol emanating from KERR. KERR was kicking and making it difficult for the CMPD Officers to place handcuffs on KERR. KERR refused to stand up. The CMPD Officers had to pull him out of the aircraft and onto the jet bridge. KERR continued to try to kick the officers. The CMPD Officers had to physically hold KERR down and restrain him until additional CMPD Officers arrived at the scene.

Respectfully Submitted

  
Shawnda Drummond  
Special Agent, Federal Bureau of Investigation

Subscribed and sworn to before me, this 26<sup>th</sup> day, of July, 2016

  
The Honorable David C. Keesler  
United States Magistrate Judge